

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GREGORY STIEGLER,

Petitioner,

v.

WARDEN NEVEN, et al.,

Respondents.

Case No. 2:14-cv-01274-APG-CWH

ORDER

This *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 comes before the Court on the petitioner's renewed motion for appointment of counsel (ECF No. 33) and motion for extension of time (ECF No. 34).

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

1 The Court has already declined to appoint counsel in this case. (See ECF No. 25).
2 The renewed motion for appointment of counsel raises no new allegations justifying
3 appointment of counsel. IT IS THEREFORE ORDERED that the renewed motion for
4 appointment of counsel (ECF No. 33) is hereby DENIED.

5 IT IS FURTHER ORDERED that petitioner's motion for an extension of time (ECF
6 No. 34) is GRANTED. Petitioner shall have sixty days from the date of this order to file
7 an amended petition in accordance with the Court's order of November 13, 2017.

8 DATED THIS 29th day of December, 2017.

9
10 
11 _____
12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28